

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

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NEW ORLEANS, LA 70130

August 6, 2007

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing or
Rehearing En Banc

No. 06-30946 Chauvin v. State Farm Fire Cslt
USDC No. 2:06-CV-885
2:06-CV-518
2:05-CV-6888
2:05-CV-6887
2:06-CV-177
2:05-CV-6454
07-30033 Maziarz v. Auto Club Fam Ins Co
USDC No. 2:06-CV-6211

Enclosed is a copy of the court's decision. The court has entered judgment under FED. R. APP. P. 36. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

FED. R. APP. P. 39 through 41, and 5TH CIR. RULES 35, 39, and 41 govern costs, rehearings, and mandates. **5TH CIR. RULES 35 and 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following FED. R. APP. P. 40 and 5TH CIR. R. 35 for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

Direct Criminal Appeals. 5TH CIR. R. 41 provides that a motion for a stay of mandate under FED. R. APP. P. 41 will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under FED. R. APP. P. 41. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

The judgment entered provides that appellants pay to appellees the costs on appeal.

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By: Jamei Richey
Jamei Richey, Deputy Clerk

Enclosure
Mr Andre P LaPlace
Mr Jay M Lonero
Mr Sean Patrick Mount

Mr Dominic J Ovella
Mr Christopher Raymond Pennison
Mr Daniel Michael Redmann
Mr Gregory M Porobil
Mr Wystan Michael Ackerman
Ms Judy Y Barrasso
Mr Stephen G Bullock
Mr Richard Joseph Doren
Ms Mary Lue Dumestre
Ms Andrea Leigh Fannin
Mr Richard L Fenton
Mr Stephen E Goldman
Mr Ralph S Hubbard III
Mr Wayne J Lee
Ms Heather Shauri Lonian
Mr Daniel Winthrop Nelson
Mr H Minor Pipes III
Mr Harry M Reasoner
Ms Susan M Rogge
Ms Gwendolyn Johnson Samora
Mr Seth Andrew Schmeeckle
Mr Robert I Siegel
Ms Marie Roach Yeates
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Mr Kevin P Kamraczewski
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Mr Martin R Sadler
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Mr Allen Helwick Borne Jr
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